

Calendar No. 974

110TH CONGRESS
2D SESSION**S. 1477**

To authorize the Secretary of the Interior to carry out the Jackson Gulch rehabilitation project in the State of Colorado.

IN THE SENATE OF THE UNITED STATES

MAY 24, 2007

Mr. SALAZAR (for himself and Mr. ALLARD) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

SEPTEMBER 16, 2008

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To authorize the Secretary of the Interior to carry out the Jackson Gulch rehabilitation project in the State of Colorado.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Jackson Gulch Reha-
5 bilitation Act of 2007”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **ASSESSMENT.**—The term “assessment”
4 means the engineering document that is—

5 (A) entitled “Jackson Gulch Inlet Canal
6 Project, Jackson Gulch Outlet Canal Project,
7 Jackson Gulch Operations Facilities Project:
8 Condition Assessment and Recommendations
9 for Rehabilitation”;

10 (B) dated February 2004; and

11 (C) on file with the Bureau of Reclama-
12 tion.

13 (2) **DISTRICT.**—The term “District” means the
14 Mancos Water Conservancy District established
15 under the Water Conservancy Act (Colo. Rev. Stat.
16 37–45–101 et seq.).

17 (3) **PROJECT.**—The term “Project” means the
18 Jackson Gulch rehabilitation project, a program for
19 the rehabilitation of the Jackson Gulch Canal sys-
20 tem and other infrastructure in the State, as de-
21 scribed in the assessment.

22 (4) **SECRETARY.**—The term “Secretary” means
23 the Secretary of the Interior, acting through the
24 Commissioner of Reclamation.

25 (5) **STATE.**—The term “State” means the State
26 of Colorado.

1 **SEC. 3. AUTHORIZATION OF JACKSON GULCH REHABILITA-**
 2 **TION PROJECT.**

3 (a) ~~IN GENERAL.~~—The Secretary shall pay the Fed-
 4 eral share of the total cost of carrying out the Project.

5 (b) ~~USE OF EXISTING INFORMATION.~~—In preparing
 6 any studies relating to the Project, the Secretary shall,
 7 to the maximum extent practicable, use existing studies,
 8 including engineering and resource information provided
 9 by, or at the direction of—

10 (1) ~~Federal, State, or local agencies; and~~

11 (2) ~~the District.~~

12 (c) ~~COST-SHARING REQUIREMENT.~~—

13 (1) ~~FEDERAL SHARE.~~—The Federal share of
 14 the total cost of carrying out the Project shall be 80
 15 percent.

16 (2) ~~NON-FEDERAL SHARE.~~—The non-Federal
 17 share of the total cost of carrying out the Project
 18 may be in the form of—

19 (A) ~~any in-kind, documented contribution~~
 20 ~~of goods or services; or~~

21 (B) ~~any amounts paid by the District be-~~
 22 ~~fore, on, or after the date of enactment of this~~
 23 ~~Act for engineering and improvement costs for~~
 24 ~~the Jackson Gulch Conveyance Works.~~

25 (d) ~~PROHIBITION ON OPERATION AND MAINTENANCE COSTS.~~—The District shall be responsible for the
 26

1 operation and maintenance of any facility constructed or
 2 rehabilitated under this Act.

3 (c) ~~LIABILITY.~~—The United States shall not be liable
 4 for damages of any kind arising out of any act, omission,
 5 or occurrence relating to a facility rehabilitated or con-
 6 structed under this Act.

7 (f) ~~EFFECT.~~—An activity provided Federal funding
 8 under this Act shall not be considered a supplemental or
 9 additional benefit under—

10 (1) the reclamation laws; or

11 (2) the Act of August 11, 1939 (16 U.S.C.
 12 590y et seq.).

13 (g) ~~AUTHORIZATION OF APPROPRIATIONS.~~—There is
 14 authorized to be appropriated to the Secretary to pay the
 15 Federal share of the total cost of carrying out the Project
 16 \$6,452,311.

17 **SECTION 1. SHORT TITLE.**

18 *This Act may be cited as the “Jackson Gulch Rehabili-*
 19 *tation Act of 2008”.*

20 **SEC. 2. DEFINITIONS.**

21 *In this Act:*

22 (1) *ASSESSMENT.*—The term “assessment”
 23 *means the engineering document that is—*

24 (A) *entitled “Jackson Gulch Inlet Canal*
 25 *Project, Jackson Gulch Outlet Canal Project,*

1 *Jackson Gulch Operations Facilities Project:*
 2 *Condition Assessment and Recommendations for*
 3 *Rehabilitation”;*

4 *(B) dated February 2004; and*

5 *(C) on file with the Bureau of Reclamation.*

6 (2) *DISTRICT.*—*The term “District” means the*
 7 *Mancos Water Conservancy District established under*
 8 *the Water Conservancy Act (Colo. Rev. Stat. 37–45–*
 9 *101 et seq.).*

10 (3) *PROJECT.*—*The term “Project” means the*
 11 *Jackson Gulch rehabilitation project, a program for*
 12 *the rehabilitation of the Jackson Gulch Canal system*
 13 *and other infrastructure in the State, as described in*
 14 *the assessment.*

15 (4) *SECRETARY.*—*The term “Secretary” means*
 16 *the Secretary of the Interior, acting through the Com-*
 17 *missioner of Reclamation.*

18 (5) *STATE.*—*The term “State” means the State*
 19 *of Colorado.*

20 **SEC. 3. AUTHORIZATION OF JACKSON GULCH REHABILITA-**
 21 **TION PROJECT.**

22 (a) *IN GENERAL.*—*Subject to the reimbursement re-*
 23 *quirement described in subsection (c), the Secretary shall*
 24 *pay the Federal share of the total cost of carrying out the*
 25 *Project.*

1 (b) *USE OF EXISTING INFORMATION.*—*In preparing*
 2 *any studies relating to the Project, the Secretary shall, to*
 3 *the maximum extent practicable, use existing studies, in-*
 4 *cluding engineering and resource information provided by,*
 5 *or at the direction of—*

6 (1) *Federal, State, or local agencies; and*

7 (2) *the District.*

8 (c) *REIMBURSEMENT REQUIREMENT.*—

9 (1) *AMOUNT.*—*The Secretary shall recover from*
 10 *the District as reimbursable expenses the lesser of—*

11 (A) *the amount equal to 35 percent of the*
 12 *cost of the Project; or*

13 (B) *\$2,900,000.*

14 (2) *MANNER.*—*The Secretary shall recover reim-*
 15 *bursable expenses under paragraph (1)—*

16 (A) *in a manner agreed to by the Secretary*
 17 *and the District;*

18 (B) *over a period of 15 years; and*

19 (C) *with no interest.*

20 (3) *CREDIT.*—*In determining the exact amount*
 21 *of reimbursable expenses to be recovered from the Dis-*
 22 *trict, the Secretary shall credit the District for any*
 23 *amounts it paid before the date of enactment of this*
 24 *Act for engineering work and improvements directly*
 25 *associated with the Project.*

1 (d) *PROHIBITION ON OPERATION AND MAINTENANCE*

2 *COSTS.—The District shall be responsible for the operation*
3 *and maintenance of any facility constructed or rehabili-*
4 *tated under this Act.*

5 (e) *LIABILITY.—The United States shall not be liable*
6 *for damages of any kind arising out of any act, omission,*
7 *or occurrence relating to a facility rehabilitated or con-*
8 *structed under this Act.*

9 (f) *EFFECT.—An activity provided Federal funding*
10 *under this Act shall not be considered a supplemental or*
11 *additional benefit under—*

12 (1) *the reclamation laws; or*

13 (2) *the Act of August 11, 1939 (16 U.S.C. 590y*
14 *et seq.).*

15 (g) *AUTHORIZATION OF APPROPRIATIONS.—There is*
16 *authorized to be appropriated to the Secretary to pay the*
17 *Federal share of the total cost of carrying out the Project*
18 *\$8,250,000.*

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